THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 17963 of 2006

Dated: 04.01.2007

Between:

N. Moses, S/o late N. Peter, R/o Plot No.18, Bankers' Colony, Srikakulam.

.... PETITIONER

AND

A.P.S.R.T.C., Musheerabad, Hyderabad, rep. by its Vice-Chairman and Managing Director and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 17963 of 2006

Order:

Questioning the proceedings dated 12.04.2006, transferring the petitioner from Srikakulam to Visakhapatnam, and the consequential proceedings dated 23.08.2006, rejecting the request of the petitioner to retain him at Srikakulam, the present writ petition is filed.

The case of the petitioner is that while working as a Junior Assistant in Srikakulam, on the ground that his father was suffering from cardiac problem and as there is no Cardiac Hospital at Srikakulam, he made an application on 06.01.2003 requesting the respondents-Corporation to transfer him from Srikakulam to Visakhapatnam for getting his father treated. However, the respondents did not respond to his request and did not transfer him. While so, the petitioner states that his father expired on 24.07.2005, and immediately thereafter, he made representation to the respondents withdrawing his application for transfer stating that since his father expired, there is no necessity for him to request for his transfer to Visakhapatnam and requested to retain him at Srikakulam. Thereafter, the respondents issued the proceedings dated 12.04.2006 transferring him from Srikakulam to Visakhapatnam Region. Immediately, he made a representation dated 18.04.2006 requesting the respondents to retain him at Srikakulam, but the respondents without considering his representation, issued relieving orders dated 15.06.2006. Aggrieved by the same, he filed W.P. No. 14717 of 2006, and this Court, by order dated 18.07.2006, disposed of the said writ petition granting liberty to the petitioner to make a representation to the respondents seeking his re-transfer to his original place, and if any such representation is made, the respondents shall

consider the same and pass appropriate orders thereon, expeditiously. The grievance of the petitioner is that pursuant to the said orders, he made a representation, dated 10.08.2006, requesting the respondents to retain him at Srikakulam, but the respondents, without properly considering the same, rejected his request by reason of the proceeding dated 23.08.2006. Hence, he filed the present writ petition.

The respondents filed counter affidavit denying the allegations of the petitioner, and *inter alia* stating that the petitioner never made any representation for withdrawal of his request for transfer and he also did not inform about the death of his father. The petitioner made a representation, dated 18.04.2006, only after transfer orders dated 12.04.2006 were issued. It is stated that though the petitioner made an application seeking transfer from Srikakulam to Visakhapatnam in the year 2003, because of want of vacancy, the same was not considered immediately, and the present transfer was effected only on the ground of long standing. It is further stated that all the Junior Assistants (F), who were transferred on request/long standing basis were already relieved and they reported at their respective places, but the petitioner, by virtue of *status quo* orders granted by this Court in W.P. No. 17963 of 2006, dated 30.08.2006, has been continuing at Srikakulam only. It is further stated that since the transfer orders were made on the ground of long standing, the request of the petitioner to retain him at Srikakulam was rejected by the respondents by proceedings dated 23.08.2006, and no interference is called for therewith.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSRTC, and perused the material on record.

A perusal of the record would show that the present transfer is made only on the ground of long standing of the petitioner at a particular place. Even though the petitioner contends that immediately after the death of his father, he made a representation to the respondents

withdrawing his application for transfer stating that since his father expired, there is no necessity for him to request for transfer to Visakhapatnam, the petitioner has not placed any material to show that he in fact has made such a request. The scope of interference by this Court in matters of transfer is well settled, and needs no reiteration. An order of transfer can be interfered with only if it is fraught with *mala fides* or has been made for extraneous reasons. In the instant case, there are n o *mala fides* attributed against the respondents with respect to the transfer of the petitioner. Transfer being an incidence of service, cannot be interfered with, and more so, when it is the case of the respondents that the same has been made on the ground of long standing of the petitioner at a particular place. Therefore, no interference can be made with the orders impugned in this writ petition.

The writ petition is devoid of merit and the same is accordingly dismissed. At this stage, learned counsel for the petitioner wants to make another representation to the respondents seeking retransfer of the petitioner to his original place i.e., Srikakulam. The petitioner is at liberty to make a representation to the respondents seeking his re-transfer to his original place, and if any such representation is made, the respondents, uninfluenced by the dismissal of this writ petition, shall consider the same and pass appropriate orders thereon in accordance with law. No costs.

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N.V. RAMANA, J.

Date: 04.01.2007
Nsr/Grr